

**And UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANTWOYN TERRELL SPENCER,

Case No. 20-CV-1236 (NEB/KMM)

Plaintiff,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

UNITED STATES BUREAU OF PRISONS,
WARDEN J. FIKES, CAPTAIN
WARLICK, LIEUTENANT WEBER,
LIEUTENANT GRAVDAHL, and
OFFICER G. WHITE,

Defendants.

The Court has received the June 1, 2021 Report and Recommendation of United States Magistrate Judge Katherine M. Menendez. (ECF No. 44.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 44) is ACCEPTED;
 2. Spencer's Complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE.
- and

3. Defendants' motion to dismiss for failure to state a claim (ECF No. 33) is

DENIED AS MOOT.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 5, 2021

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge